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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,747	07/08/2005	Shin Serizawa	072982-0266	1944
22428	7590	12/05/2007	EXAMINER	
FOLEY AND LARDNER LLP			SASTRI, SATYA B	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			1796	
WASHINGTON, DC 20007				
MAIL DATE		DELIVERY MODE		
12/05/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/541,747	SERIZAWA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Satya B. Sastri	1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

**DETAILED ACTION**

1. This office action is in response to application filed on July 8, 2005. Claims 1-18 are now pending in the application.

***Claim Objections***

2. Claims 1 and 2 are objected to because the wt. basis for the amount of kenaf fiber is not recited.

Appropriate correction is required.

***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application for reasons indicated in attached PTO-948. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102 and 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 8-10 are rejected under 35 U.S.C. 102(b) as anticipated by Yamashita et al. (JP 2003-009994) or Takagi (JP 2003-128900) or Inao et al. (JP 2003-128900) cited as P, X references in the International Search Report.

At the outset, it is noted that applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Pending official translation, machine translations are used in the body of this rejection.

Yamashita et al. disclose materials made of biodegradable material such as polylactic acid, polyhydroxybutyrate, polycaprolactone etc. (paragraph 0012).

The biodegradable resin comprises natural fibers such as hemp derived from flax, ramie, Manila hemp, kenaf, jute etc. or cotton. The ratio of the biodegradable resin and the natural fiber may range from 6:4 in a mass ratio (0021).

Takagi discloses compositions comprising resin derived from lactic acid (0010), and natural fibers such as jute, corn fiber, bagasse, kenaf etc. The ratio of the lactic acid resin to natural fiber ranges from 99:1 to 60-40 based on the wt. (0045).

Inao et al. disclose compositions comprising a biodegradable resin such as polylactic acid (0003) a natural fiber selected from kenaf, cotton, hemp etc. The natural fiber may be present in amounts of 10-50% by wt. (0019).

Thus, presently cited claims are anticipated by the prior art.

7. Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inao et al. (JP 2002-356562).

Pending official translation, a machine translation is used in the body of this rejection.

Inao et al. disclose a biodegradable resin such as polylactic acid reinforced by both a natural fiber and natural fiber yarn (abstract, 0007).

The disclosed natural fibers include hemp, cotton, kenaf, silk, wool etc. The length of the fibers may range from 0.1mm to 50mm and the diameter from 10-30  $\mu\text{m}$  is desirable (0008).

The ratio of the biodegradable resin to the sum of the natural fiber and fiber yarn may range from 7:3-3:7 (0010).

The prior art does not explicitly disclose compositions comprising a biodegradable resin comprising 10-50% by mass of kenaf fiber.

The prior art discloses a small genus of natural fibers of which kenaf is explicitly disclosed as a species. Additionally, the amount of reinforcing fiber to be used in the compositions will depend on the extent of reinforcement desired for the particular end use and is

therefore, a result effective variable. Thus, it would have been well within the capabilities of a skilled artisan to incorporate 10-50% by wt. of kenaf fiber in biodegradable compositions comprising polylactic acid and thereby arrive at the presently cited claims. *In re Boesch*, 205 USPQ 215 (CCPA 1980).

8. Claims 7, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inao et al. (JP 2002-356562) in view of Heta et al. (JP 2000-141524).

The discussion with regard to Inao et al. above in paragraph 7 is incorporated herein by reference.

The prior does not disclose that the kenaf fibers are prepared from the bast of kenaf.

In the machine translation of Heta et al., fiber laminates derived from thermoplastic resin and a natural fiber are disclosed. Preferably, the natural fiber is a kenaf fiber obtained from the bast of a kenaf (0009). It would have been obvious to one of ordinary skill in the art to utilize kenaf fibers prepared from the bast of kenaf in the compositions of Inao et al. because Heta et al. disclose the amount of cellulose existing in the bast is 60% or more (0015).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri at (571) 272 1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Satyas stri*

SATYA SASTRI

December 3, 2007

Continuation of Attachment(s) 6). Other: Machine translations of JP documents 2000-141524, 2002-356562, 2003-009994, 2003-096321, 2003-128900.